

*Resolved*, That the Committee on Standards of Official Conduct shall immediately review the regularity of events surrounding the vote on the motion to recommit on H.R. 3161, which occurred on August 2, 2007, and report back to the House.

The SPEAKER pro tempore. Under rule IX, on this question of the privileges of the House, the party leaders will control 30 minutes each.

The Chair recognizes the gentleman from Maryland, the majority leader.

Mr. HOYER. Thank you very much, Mr. Speaker.

Mr. Speaker, on Tuesday night I said this was going to be an unhappy week for all of us. I did not expect what happened last night, however; and I regret what happened last night. Mr. McNULTY is going to speak as well.

The vote was called. During the course of that vote, eight Members changed their votes after the vote was called 214-214, but the board, as everybody knows, at that point in time had reflected one of the Members who had changed their vote. There were at all times 428 Members voting. The vote went from 214-214, and then 215-213, and then 212-216. Obviously, the 214-214 would have had the motion fail. The 215-213 would have had it to prevail. And then the 212-216 would have had the motion fail. The minority, having been in that place, was understandably angry. I won't use the word "upset", understandably angry. If that happened to us, we would have been angry; I would have been angry.

At that point in time, I clearly believe that what had happened gave the impression that clearly, correctly would have been my impression that this was unfair; and, as a result, as the Members will recall, I asked to vacate the vote. That was objected to. So I then moved to reconsider the vote by which the motion to recommit offered by Mr. LEWIS had failed.

I thought it appropriate that that vote be retaken because of the confusion that occurred during the course of that vote and having three separate tallies indicated. I thought that was appropriate. In fact, that motion prevailed. We did reconsider that vote, and the vote passed, at that point in time, by voice vote, and then final passage of the bill. And the bill passed, the Agriculture appropriation bill.

But, clearly, people were angry. Words were said on this floor, unfortunately, that were not, I think, designed, as I said on Tuesday night, to maintain civility. But I don't blame the minority for being angry at what clearly appeared to them, which would have been the impression that I would have had, that they were being treated in a way that they thought was not fair.

It does no good to this discussion to repeat what has happened over the last 12 years, where we felt aggrieved. But when you feel aggrieved, it is justifiable grievance.

Therefore, Mr. Speaker, in the interest of having this matter reviewed by

the Ethics Committee to ensure that nothing was done that should not have been done, this motion simply refers this matter to the Ethics Committee.

This is no aspersion, I want to say, on the presiding officer. When he called the vote, that was the vote on the board, but it changed almost instantaneously at that time and clearly would have been something that correctly was interpreted as what's going on here.

We need to know what's going on here. My view is, because eight people change their votes, during the course of that, three Republicans changed their vote, five Democrats changed their vote. There have been a lot of questions about changing votes in the past, so we think it is appropriate that this matter be reviewed.

At this time, Mr. Speaker, I would like to yield 1 minute to my friend, the gentleman from New York (Mr. McNULTY), someone who has served in this body long and honorably and whose integrity, I think, is unquestioned by Members who have served with him on the Ways and Means Committee and in this House.

Mr. McNULTY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I believe the majority leader's recounting of what happened last night is correct; and I wish to express my apology to all of the Members of the House for calling the vote prematurely. I called the vote at 214-214. Subsequently, Members of both parties changed their votes.

The majority leader is correct. Very soon after that the board showed a different vote, which was, I believe, in favor of the motion to recommit. And then when all of the Members had been counted, it was 212 in favor and 216 opposed. All of those numbers in those various iterations add up to 428. So all Members had voted, but Members of both parties had changed their votes.

I just want to express regret to all the Members of the House, and especially the minority, for any role that I had in causing that confusion by calling the vote prematurely. The Members who have been around for a long time, and staff, know that I have presided over the House many, many times since 1989, when Jim Wright first put me in the Chair. And all during that time, I have always strived to be scrupulously fair, to the extent where a number of Members of my party in the old days used to criticize me for calling voice votes in favor of the minority when the minority had more Members in the room than the majority did. And Members of the minority party mentioned that to me many times through the years, as did Members of the minority staff.

And so I just want to reiterate that I regret any role that I played in causing the confusion.

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I just want to pledge to all of the Members of the House that I will con-

tinue to go out of my way to be fair when I am given the privilege of serving as Speaker pro tempore to all Members of the House and to both parties.

Mr. HOYER. Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in January, when this Congress began, there were promises of the most open and ethical Congress in the history of our country. Over the last several weeks, I have been up on numerous occasions talking about the problems of how I believe the minority had been treated, only asking for fairness.

What happened last night not only disenfranchised minority Members, it disenfranchised Members of the majority party as well who had an interest in voting for that measure. I regret what happened last night. I think that it is very unfortunate. But it has been a pattern of activity that has gone on all year.

I think my colleagues on the majority side understand what I am saying. There were promises made, there were commitments made; and not only has none of it happened, but some of the actions taken by the majority over the last 7 months were actions that had never even been contemplated during the 12 years of Republican rule.

Now, I understand there were times when Republicans did things that were heavy-handed, and, in fact, I can understand why the minority was aggrieved at the time. But when you think about the opening several weeks, when we had one rule covering six bills, no amendments, one motion to recommit for six bills, things that we would have never even dreamt of doing have happened. But it has been time after time after time.

When we look at the activities of the State Children's Health Insurance Program, how there were no hearings, the size of the bill and then the conditions under which it was going to be brought to the floor, I think it was the straw that broke the camel's back. At least, I thought it was the straw that broke the camel's back, until last night.

The resolution that we are debating takes this issue and sends it to the Ethics Committee. As we all know, that is the Committee on Standards of Official Conduct that is referred to. Now, that, to me, does not appear, on the surface, to be the right place to send this issue. We all know about the problems of the Ethics Committee. Sending it to the Ethics Committee is sending it into what most people would describe as a "black hole."

Back in January, I suggested in a private meeting with the Speaker that I wanted the Ethics Committee to work, and the only way it was going to work was that if she and I locked arms and told our Members and told the American people that we are going to ensure that the Ethics Committee work.

That hasn't happened. The fact is, the productivity, I don't know whether